



IN THE MATTER OF:

**Fruehauf, L.L.C.**  
**990 S. Wisconsin Ave.**  
**Gaylord, MI 49735**

RESPONDENT

## FINAL ORDER

Pursuant to 40 C.F.R. Section 22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby **ORDERED** to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

DATE \_\_\_\_\_

Alfred C. Smith  
Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY-7 PM 1:06  
REGION 8

FILED  
EPA REGION VIII  
HEARING CLERK

In the Matter of:

Fruehauf, L.L.C.

Respondent.

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**EXPEDITED CONSENT AGREEMENT**

Docket No. CWA-08-2005-0023

Complainant, United States Environmental Protection Agency, Region 8, and Respondent, Fruehauf, L.L.C., by their undersigned representatives, hereby settle the civil cause of action arising out of violations of the Spill Prevention Control and Countermeasures (SPCC) Plan regulations found during an inspection on September 16, 2004, and agree as follows:

The Clean Water Act (the Act), as amended, 33 U.S.C. § 1321(b)(6), authorizes the Administrator of EPA to assess administrative penalties against any person who violates the oil pollution prevention (SPCC) regulations, promulgated at 40 CFR Part 112 under Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j). This authority has been properly delegated to the undersigned EPA official.

At the time of the inspection and for the period of the alleged violations, Respondent owned and/or operated an oil production facility, Willow Draw, located in Park County, Wyoming.

Respondent admits its facility is subject to the SPCC regulations.

Respondent agrees to notify the current facility owner of the SPCC violations identified during the inspection, and further agrees to work with the current facility owner to the extent practicable to correct the items cited on the attached List of SPCC Violations within sixty (60) days based on a compliance extension requested of and granted by EPA.

Respondent will send a copy of the facility's SPCC Plan to the person named below.

Respondent admits that EPA has jurisdiction in this proceeding.

Respondent waives its right to a hearing before any civil tribunal, to contest any issue of law or fact set forth in this agreement.

This agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent and Respondent's heirs, successors and assigns. Any change in ownership or corporate status of Respondent, including but not limited to any transfer of assets or real or personal property, shall not alter Respondent's responsibilities under this agreement.

This Agreement contains all terms of the settlement agreed to by the parties.

Respondent consents and agrees to the assessment of a civil penalty of \$1,450.00 which, shall be paid by sending, via certified mail, a cashier's or certified check for that amount, payable to "Oil Spill Liability Trust Fund" along with a signed copy of this agreement, to:

Jane Nakad  
Technical Enforcement Program (8ENF-UFO)  
USEPA Region 8  
999 18th Street, Suite 300  
Denver, CO 80202-2466

Respondent further agrees and consents that if Respondent fails to pay the penalty amount as required by this agreement once incorporated into the final order, this agreement is null and void, and EPA may pursue any applicable enforcement options.

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions for this agreement and to bind Respondent to the terms and conditions of this agreement.

The parties agree to submit this Consent Agreement to the Regional Judicial Officer, with

a request that it be incorporated into a final consent order.

Each party shall bear its own costs and attorneys fees in connection with this matter.

This Consent Agreement, upon incorporation into a final consent order by the Regional Judicial Officer and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations described in this agreement.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8,  
Office of Enforcement Compliance and Environmental Justice, Complainant.**

By: Elisabeth Evans  
Elisabeth Evans, Director  
Technical Enforcement Program

June 6, 2005  
Date

**Fruehauf, L.L.C., Respondent.**

By: Harry R. Fruehauf III  
6/1/05  
Date

Name: HARRY R. FRUEHAUF III  
Title: Member

### CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **EXPEDITED CONSENT AGREEMENT** in the matter of **FRUEHAUF, L.L.C., DOCKET NO.:** **CWA-08-2005-0023** was filed with the Regional Hearing Clerk on June 8 2005.

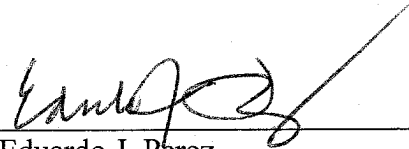
Further, the undersigned certifies that a true and correct copy of the document was sent to Jane Nakad, Technical Enforcement Program (ENF-UFO), U.S. EPA – Region 8, 999 18<sup>th</sup> Street, Suite 300, Denver, CO 80202-2466. A True and correct copy of the aforementioned document was placed in the United States First Class Mail to:

Harry R. Fruehauf III  
Fruehauf, L.L.C.  
990 S. Wisconsin Ave.  
Gaylord, MI 49735

and

Commander  
Finance Center (OGR)  
U.S. Coast Guard  
1430 A Kristina Way  
Chesapeake, VA 23326

6/8/05  
Dated

  
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Eduardo J. Perez  
Acting Regional Hearing Clerk